

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:16-cv-00285**

<b>SECURITIES AND EXCHANGE COMMISSION</b>	)
	)
<b>Plaintiff,</b>	)
	)
v.	)
	)
<b>RICHARD W. DAVIS, JR.,</b>	) <b><u>FINAL JUDGMENT</u></b>
	) <b><u>SETTING</u></b>
	) <b><u>DISGORGEMENT AS TO</u></b>
<b>Defendant,</b>	) <b><u>RELIEF DEFENDANTS</u></b>
and	) <b><u>DCG COMMERCIAL</u></b>
<b>DCG REAL ASSETS, LLC, <i>et al.</i>,</b>	) <b><u>HOLDINGS, LLC AND</u></b>
	) <b><u>DCG COMMERCIAL LLC</u></b>
<b>Relief Defendants.</b>	)
	)

The Securities and Exchange Commission having filed a Complaint, and Relief Defendants DCG Commercial Holdings, LLC (“Holdings”) and DCG Commercial LLC (“Commercial”) (collectively, “Relief Defendants”) having: entered a general appearance; consented to the Court’s jurisdiction over them and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction) (the “Consent”); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

**I.**

**DISGORGEMENT AND PREJUDGMENT INTEREST**

**IT IS ORDERED AND ADJUDGED** that Relief Defendants are liable for disgorgement representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon, in the following manner: (i) Holdings is liable for disgorgement in

the principal amount of \$10,923.38 plus prejudgment interest in the amount of \$2,754.19, for a total of \$13,677.57; and (ii) of the amounts just referenced, Holdings and Commercial are jointly and severally liable for disgorgement in the principal amount of \$3,018.95 plus prejudgment interest in the amount of \$761.19, for a total of \$3,780.14. Relief Defendants shall satisfy this obligation by making payment of the total amounts owed within 14 days after entry of this Final Judgment to A. Cotten Wright, the court-appointed receiver.

Relief Defendants may transmit payment electronically to A. Cotten Wright, the court-appointed receiver, who will provide detailed ACH transfer/wire instructions upon request. Relief Defendants also may pay by certified check, bank cashier's check, or United States postal money order payable to "A. Cotten Wright, Receiver for DCG Receivership," which shall be delivered or mailed to

A. Cotten Wright, Esq.  
Grier Furr & Crisp LLP  
101 North Tryon Street  
Suite 1240  
Charlotte, NC 28246

and shall be accompanied by a letter (i) identifying the case title, civil action number, and name of this Court; (ii) identifying Holdings and Commercial as relief defendants in this action; and (iii) specifying that payment is made pursuant to this Final Judgment.

Relief Defendants shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action:

Patrick R. Costello, Esq.  
U.S. Securities & Exchange Commission  
100 F Street N.E.  
Washington, DC 20549-5985  
[costello@sec.gov](mailto:costello@sec.gov)

By making this payment, Relief Defendants relinquish all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to them. In addition, A. Cotten Wright, the court-appointed receiver, shall hold the funds (collectively, the “Fund”) and propose a plan to distribute the Fund subject to the Court’s approval. The Court shall retain jurisdiction over the administration of any distribution of the Fund.

The Commission may enforce the Court’s judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Relief Defendants shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

## **II.**

### **INCORPORATION OF CONSENT**

**IT IS FURTHER ORDERED AND ADJUDGED** that the Consent filed herewith is incorporated with the same force and effect as if fully set forth herein, and that Relief Defendants shall comply with all of the undertakings and agreements set forth therein.

## **III.**

### **DISMISSAL OF TEMPORARY RECEIVERSHIP**

**IT IS FURTHER ORDERED AND ADJUDGED** that upon full payment of the amounts referenced in Section I above, the receivership over Relief Defendants pursuant to the Temporary Receivership Order entered on June 8, 2016 (Dkt. No. 8) is hereby dismissed.

## **IV.**

### **RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED AND ADJUDGED** that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

V.

**RULE 54(b) CERTIFICATION**

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Signed: August 5, 2016



Graham C. Mullen  
United States District Judge



Copies to:  
All counsel of Record

